

**PUBLIC SCHOOLS**  
**School Choice**



## Education Council School Choice

## Fact Sheet

January 2005

1. What is school choice?	<p>In Florida, K-12 students and parents are afforded the right to educational choice. Florida's educational choice options include:</p> <ul style="list-style-type: none"><li>• Public school choice.</li><li>• Private school choice (Refer to the Corporate Income Tax Credit Scholarship, the McKay Scholarship for Students With Disabilities, and the Opportunity Scholarship Fact Sheets.)</li><li>• Home education (Refer to the Home Education Fact Sheet.)</li><li>• Private tutoring.</li></ul>
2. What is public school choice?	<p>Public school choice is the practice of allowing parents and students to make educational selections from a variety of public schools and programs. The intent of public school choice is to increase the quality of educational services by creating competition for students among public schools.</p> <p>In Florida, public school choice options may include controlled open enrollment, lab schools, charter schools, schools-within-schools, year-round schools, charter technical career centers, magnet schools, alternative schools, special programs, advanced placement, dual enrollment, International Baccalaureate, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, and the Florida School for the Deaf and the Blind. Public school choice options are also encompassed in the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program. K-8 virtual school programs and the Florida Virtual School also provide public school choice options.</p>
3. What is "controlled open enrollment"?	<p>"Controlled open enrollment" means a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential public school choice as a significant factor. The controlled open enrollment program may be offered in addition to any existing choice programs.</p>

<p>4. Are districts required to offer public school choice?</p>	<p>No. Although research indicates that 18 states currently mandate public school choice, Florida requires only that school districts design a controlled open enrollment plan. The law does not require districts to implement the plan.</p> <p>The districts are required to ensure that parents and students have meaningful opportunities to exercise their rights to school choice (<b>See Question 1</b>).</p>
<p>5. Are there any constraints on the ability of the school districts to offer public school choice?</p>	<p>If the school districts opt to implement public school choice, they must comply with the state laws that proscribe the various options. In addition, each school district must develop a system of priorities for its school choice plan. Finally, the districts must adhere to federal desegregation requirements when implementing public school choice.</p>
<p>6. Has the state appropriated money for school choice?</p>	<p>In 1998 the Legislature appropriated \$5 million for public school choice incentive grants. The 1999 Legislature increased the amount to \$12 million, and the 2000 Legislature also appropriated \$12 million for the grants. The Legislature has not appropriated money for this program for the past four years.</p>
<p>7. How are Florida's school choice programs reported?</p>	<p>All district controlled open enrollment plans must be submitted to the Commissioner of Education, who must develop an annual report on the status of school choice. The report is due 90 days prior to the convening of the regular legislative session. The 1999 Legislature added the requirement that each school district annually report the number of students applying for and attending the various types of public schools of choice in the district, including schools such as magnet schools and public charter schools.</p>
<p>8. Which districts have implemented public school choice open enrollment programs?</p>	<p>In the 2000-2001 school year, the following eighteen districts implemented a "controlled open enrollment plan": Alachua, Bay, Brevard, Broward, Flagler, Gadsden, Lee, Leon, Manatee, Marion, Miami-Dade, Palm Beach, Pinellas, St. Johns, St. Lucie, Santa Rosa, Sarasota, and Seminole.</p>
<p>9. What are the applicable statutes?</p>	<p>Section 1002.20(6), F.S. -- Educational choice. Section 1002.31, F.S. -- Public school parental choice.</p>
<p>10. Where can I get additional information?</p>	<p>Florida Department of Education Office of Independent Education and Parental Choice (850) 245-0502 Toll free parent information number: 800-447-1636</p> <p>Florida House of Representatives Education Council (850) 488-7451</p>



1. What is the Opportunity Scholarship Program?	The Opportunity Scholarship Program (OSP) is a school choice program created by the Legislature in the 1999 Legislative Session as part of the A+ Education Plan (Ch. 99-398, L.O.F.). Opportunity Scholarships are available for eligible students to attend the eligible public or private school of their choice.
2. Who is eligible for an Opportunity Scholarship?	<p>A <i>public</i> school student is eligible for an Opportunity Scholarship in order to attend an eligible public or private school of their choice if one of the following criteria are met:</p> <ul style="list-style-type: none"><li>• the student spent the prior school year in attendance at a public school which was graded "F", and the school has had such low performance for two years in a four-year period;</li><li>• the student was in attendance elsewhere in the public school system and has been assigned to such a school; or</li><li>• the student is entering kindergarten or first grade and has been assigned to such a school. (Refer to the <b>School Grading System Fact Sheet</b>.)</li></ul>
3. Are private school students eligible for an Opportunity Scholarship?	No. The only students eligible for an Opportunity Scholarship are <i>current</i> public school students, or those students who are just entering the school system in kindergarten or first grade.
4. When does the Opportunity Scholarship begin at a public school?	The OSP becomes available to students at a public school when that school has had two years of low performance in a four-year period. Under current law, "2 years in a 4 year period" means that if a school has a grade of "F" in any two of the prior four years the students in the school are eligible for Opportunity Scholarships.
5. What are the options available to a student under the Opportunity Scholarship Program?	<p>Once a school has been designated as "F" for two years in a four-year period, eligible students have several options available to them, including:</p> <ul style="list-style-type: none"><li>• attendance at a higher performing public school within the district;</li><li>• attendance at a higher performing public school in an adjacent district, as long as space is available; or</li><li>• attendance at an eligible private, sectarian or nonsectarian, school.</li></ul> <p>Students at the designated "F" public school may choose to remain at that school.</p>

<p>6. What is the school district's role in the Opportunity Scholarship Program?</p>	<p>School districts have certain obligations in the Opportunity Scholarship Program. For each student enrolled in or assigned to a school which has been graded "F" for two school years in a four- year period, the school district must:</p> <ul style="list-style-type: none"> <li>• Timely notify the parent or guardian of the student of all the options available to the student (options listed in prior question).</li> <li>• Offer the student's parent or guardian the opportunity to enroll the child in a higher performing public school within the district. (The school must be graded "C" or higher).</li> </ul> <p>The school district must also provide locations and times for all students participating in the Opportunity Scholarship Program to take all required state assessments.</p>
<p>7. Are all private schools required to participate in the Opportunity Scholarship Program?</p>	<p>No. Private schools are not required to participate in the program. However, participation is open to all private schools that wish to take part in the program, as long as the schools meet the eligibility criteria set forth by law.</p>
<p>8. What must a private school do to become eligible to participate in the Opportunity Scholarship Program?</p>	<p>There are several criteria that a private school must meet to become eligible to participate in the Opportunity Scholarship Program. The private school must be located in Florida, may be sectarian or nonsectarian, and must do the following:</p> <ul style="list-style-type: none"> <li>• demonstrate fiscal soundness by being in operation for one school year or provide the Department of Education (DOE) with a statement by a certified public accountant confirming that the school is insured and has sufficient capital to operate for the upcoming year.</li> <li>• notify the DOE and the school district of its intent to participate in the program by May 1 of the school year the school year in which it intends to participate.</li> <li>• comply with antidiscrimination provisions of 42 U.S.C. s. 2000d, which prohibit discrimination based on race, color, or national origin.</li> <li>• meet state and local health and safety laws and codes.</li> <li>• accept the scholarship students on a random, religious-neutral basis without regard to the student's past academic history (preference may be given to siblings of other OSP students).</li> <li>• be subject to the instruction, curriculum, and attendance criteria adopted by an appropriate nonpublic school accrediting body.</li> <li>• be academically accountable to the parent for meeting the educational needs of the child.</li> </ul>

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	<ul style="list-style-type: none"> <li>• furnish a school profile which includes student performance.</li> <li>• employ or contract with teachers that meet any one of the following criteria: 1) hold a baccalaureate or higher degree, 2) have at least three years of teaching experience in public or private schools, or 3) have special skills, knowledge, or expertise in subjects taught.</li> <li>• comply with all state laws relating to private schools.</li> <li>• accept as full tuition and fees the amount of the scholarship provided by the state for each student.</li> <li>• agree not to compel any Opportunity Scholarship student attending the private school to profess a specific ideological belief, to pray, or to worship.</li> <li>• adhere to the tenets of its published disciplinary procedures prior to the expulsion of any Opportunity Scholarship student.</li> </ul>
9. Are there obligations for participation in the Opportunity Scholarship Program?	<p>Yes. Students and their parents or guardians must comply with the following criteria to retain the scholarship:</p> <ul style="list-style-type: none"> <li>• students must remain in attendance throughout the school year, unless excused for illness or good cause.</li> <li>• students must comply fully with the school's code of conduct.</li> <li>• parents or guardians must comply fully with the private school's parental involvement requirements, unless excused for illness or good cause.</li> <li>• parents or guardians must ensure that their child takes all required state assessments.</li> </ul> <p>A participant who fails to comply with these requirements shall forfeit their Opportunity Scholarship.</p>
10. How long does an Opportunity Scholarship last?	<p>The opportunity for a student to <i>continue</i> attending a higher performing public school within the district or in an adjacent district remains in force until the student graduates from high school.</p> <p>The opportunity for a student to <i>continue</i> attending a private school remains in force until:</p> <ul style="list-style-type: none"> <li>• the student returns to the public school; or</li> <li>• if the student chooses to attend a private school that only offers classes through the 8th grade, until the student matriculates to high school and the public high school to which the student is assigned is a grade "C" or higher.</li> </ul>

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<p>11. Are students with disabilities eligible for an Opportunity Scholarship? Do they receive additional funding?</p>	<p>Yes. Students with disabilities are eligible to receive an Opportunity Scholarship. In addition, these students remain eligible to receive services from the school district as provided by federal or state law.</p> <p>The public or private school that provides services to students with disabilities will receive weighted funding for such services.</p>
<p>12. Who provides transportation for students who choose an Opportunity Scholarship?</p>	<p>Responsibility for transportation varies depending upon the option chosen by the parent or guardian of the eligible student. Listed below are the following options and transportation requirements:</p> <ul style="list-style-type: none"> <li>• <i>attendance at a higher performing public school within the school district.</i> If this option is chosen, the school district is responsible for providing transportation. School districts may utilize state categorical transportation funds or school choice incentive funds.</li> <li>• <i>attendance at a higher performing public school in an adjacent school district, as long as space is available.</i> If this option is chosen, the parent or guardian is responsible for providing transportation. The State does not provide any transportation assistance.</li> <li>• <i>attendance at an eligible private, sectarian or nonsectarian, school.</i> If this option is chosen, the responsibility for acquiring transportation belongs with the parent; however, if the private school chosen provides transportation, any fees which the school charges for providing the transportation are eligible for inclusion in the scholarship amount (Refer to funding example in Question 13).</li> </ul>
<p>13. What is the award amount for an Opportunity Scholarship?</p>	<p>The <b>actual</b> amount of the scholarship is the <i>calculated</i> amount shown below or the amount of the private school's tuition and fees, <i>whichever is less</i> (eligible private school fees may include book fees, lab fees, and other fees related to instruction, including transportation).</p> <p>The <b>calculated maximum</b> Opportunity Scholarship amount available to a parent of the student is a calculated amount equivalent to the following: the base student allocation (BSA) multiplied by the appropriate cost factor for the educational program that would have been provided for the student multiplied by the district cost differential (DCD). In addition, the calculated amount must include the per-student share of instructional materials (book) funding, technology funding, and</p>

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	<p>other categorical funds provided in the General Appropriations Act.</p> <p><math>BSA \times \text{cost factor} \times DCD + \text{categorical funds} = \text{calculated amount}</math></p> <p><u>Example of Student X's actual scholarship amount:</u> If the calculated amount for Student X using the formula above is: <b>\$4,800</b></p> <p>and the private school tuition and fees are: <b>\$3,300</b> tuition - \$2,500 book fees - \$500 lab fees - \$0 transportation - \$300</p> <p>Then, the <i>actual</i> amount of Student X's Opportunity Scholarship is <b>\$3,300</b>.</p>
14. How is an Opportunity Scholarship payment made?	<p>Upon proper documentation by the DOE, the Chief Financial Officer must make Opportunity Scholarship payments in four equal installments (September 1, November 1, February 1, and April 1). The payment must be made by individual warrant payable to the student's parent or guardian and mailed by the DOE to the chosen private school. The parent or guardian must restrictively endorse the warrant to the private school.</p> <p>The DOE is responsible for verifying the student's initial admission acceptance and continued enrollment and attendance at the private school.</p>
15. Is the state beginning to regulate private schools?	<p>No. The inclusion of eligible private schools within the options available to public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those necessary to enforce requirements <i>expressly</i> set forth in the law.</p>
16. How many Opportunity Scholarships are being utilized in Florida?	<p>During the 1999-2000 school year (the initial year of the OSP), students in only two public schools were eligible to participate in the Opportunity Scholarship Program (Spencer Bibbs Elementary and A.A. Dixon Elementary in Escambia County). There were 140 students at both schools that applied for an Opportunity Scholarship. Of these students, 57 students received scholarships to attend an eligible private school and 83 students chose to attend a higher performing public school.</p>



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	<p>For the 2004-2005 school year, students at 21 schools are eligible to participate in the Opportunity Scholarship Program. These schools received an "F" grade for the 2003-2004 school year and at least one other "F" grade in one of the three previous years. Students who were enrolled in one of these schools during the 2003-2004 school year or were scheduled to attend these schools for the 2004-2005 school year may be eligible for the Opportunity Scholarship.</p> <p>For the 2003-2004 school year there were 640 students enrolled in the program. The average scholarship amount per student was \$3,980 for a total of \$2.54 million.</p>
<p>17. What is the status of the Opportunity Scholarship Program with the recent court ruling that declared it unconstitutional?</p>	<p>Immediately after the A+ Education Plan became law in 1999, lawsuits were filed challenging the constitutionality of the Opportunity Scholarship Program under several different provisions of both the federal and Florida Constitution. In the fall of 1999, a Leon County Circuit Court Judge ruled that the Opportunity Scholarship Program violated the Florida Constitution on its face under Article IX, section 1, which provides that the Legislature must provide an adequate education to all children residing within its borders. This ruling was overturned by the First District Court of Appeals in October 2000 who found that the Opportunity Scholarship Program did not violate Article IX, section 1 of the Florida Constitution and reversed the lower courts decision. The appeals judge remanded the case back to the trial court to decide on other questions of the constitutionality of the Opportunity Scholarship Program.</p> <p>In August of 2002, the Leon County Circuit Court reheard the Opportunity Scholarship lawsuit. This time the lawsuit challenged the Opportunity Scholarship Program on a different provision of the Florida Constitution than the case in 1999. The lawsuit challenged the Opportunity Scholarship Program on the ground that it violates Article I, section 3 of the Florida Constitution, which provides that no public funds may be used to aid, directly or indirectly, any church, sect, religious denomination, or sectarian institution. The Plaintiffs in this case argued that the Opportunity Scholarship Program violated this constitutional provision because parents use the scholarships to send their children to religious schools. The Circuit Court ruled that the Florida Opportunity Scholarship Program did violate Article I, section 3 of the Florida Constitution and is unconstitutional.</p>

	<p>The First District Court of Appeal upheld the trial court's ruling in an August 16, 2004 opinion. The court also certified a question to the Florida Supreme Court on the issue of the OSP's constitutionality. However, the district court of appeal decided to retain jurisdiction to conduct an en banc rehearing of the case. On rehearing, the First District Court of Appeals found that Florida's Opportunity Scholarship Program did violate Article 1, section 3 of the Florida Constitution because OSP uses state revenues to aid sectarian schools. The district court also held that the no-aid provision does not violate the Federal Free Exercise Clause. The court certified a question to the Florida Supreme Court. The Florida Supreme Court has agreed to hear the case.</p>
<p>18. Has any research been done on this program?</p>	<p>Jay Greene, "An Evaluation of the A-Plus Accountability and School Choice Program," February 2001.</p> <p>What it says: "The results show that schools receiving a failing grade from the state in 1999 and whose students would have been offered tuition vouchers if they failed a second time achieved test score gains more than twice as large as those achieved by other schools. While schools with lower previous FCAT scores across all state-assigned grades improved their test scores, schools with failing grades that faced the prospect of vouchers exhibited especially large gains. The report also establishes that the FCAT math and reading results are highly correlated with the results from a nationally recognized standardized test, the Stanford 9, which suggests that the FCAT is a reliable measure of student performance. This report shows that the performance of students on academic tests improves when public schools are faced with the prospect that their students will receive vouchers."</p>
<p>19. What are the applicable statutes and rules?</p>	<p>Section 1002.38, F.S. -- Opportunity Scholarship Program. Section 1008.33(1), F.S. -- Definition of "2 years in a 4-year period".</p>
<p>20. Where can I get additional information?</p>	<p>Florida Department of Education Office of Independent Education &amp; Parental Choice (850) 245-0502 <a href="http://www.floridaschoolchoice.org">www.floridaschoolchoice.org</a></p> <p>Manhattan Institute Education Research Office (954) 680-8083 <a href="http://www.manhattan-institute.org/html/cr_aplus.htm">www.manhattan-institute.org/html/cr_aplus.htm</a></p>

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	Florida House of Representatives Education Council (850) 488-7451
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## Education Council

# McKay Scholarships for Students with Disabilities Program

## Fact Sheet

January 2005

<p>1. What is the McKay Scholarships for Students with Disabilities Program?</p>	<p>The McKay Scholarships for Students with Disabilities Program expands statewide the school choice program originally created by the 1999 Legislature as a pilot program for Sarasota County in the A+ Education Plan. The scholarships are available for eligible students with disabilities to attend an eligible public or private school of their choice. Students with disabilities include K-12 students who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospitalized or homebound, or autistic.</p>
<p>2. What options are available to a student with disabilities under the McKay Scholarship Program?</p>	<p>An eligible student with disabilities has several options available, including:</p> <ul style="list-style-type: none"> <li>• attendance at another public school within the district;</li> <li>• attendance at an eligible public school in an adjacent district that has space and provides the services identified in the student's individual education plan; or</li> <li>• attendance at an eligible private, sectarian or nonsectarian, school.</li> </ul> <p>Students at a public school may also choose to remain at that school.</p>
<p>3. Who is eligible for a McKay Scholarship?</p>	<p>Any parent of a public school student with a disability who is dissatisfied with the student's progress may receive a McKay Scholarship if:</p> <ul style="list-style-type: none"> <li>• by assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a Florida public school. Prior school year means that the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys in kindergarten through grade 12 (However, the 2004 Legislature waived this requirement for the dependents of military families transferred into the state.); <i>and</i></li> <li>• the parent has obtained acceptance for admission of the student to a private school that is eligible for the program and has notified the school district through a communication directly to the district or through the</li> </ul>

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	<p>Department of Education (DOE), in a manner that creates a written or electronic record of the notification and the date of receipt of the notification of the request for a scholarship at least 60 days prior to the date of the first scholarship payment.</p> <p>Students enrolled in Department of Juvenile Justice commitment programs are <u>not</u> eligible for scholarships under this program.</p>
4. How long does a McKay Scholarship last?	There is no statutory limit on the term of a McKay Scholarship. A student can use the scholarship through high school graduation.
5. What are the obligations for participants in the McKay Scholarship Program?	<p>The student's parent and the student must comply with the following criteria to obtain and retain a McKay Scholarship:</p> <ul style="list-style-type: none"> <li>• the parent must select a private school and apply for admission.</li> <li>• the parent must request the scholarship at least 60 days prior to the date of the first scholarship payment.</li> <li>• the student must remain in attendance throughout the school year, unless excused by the school for illness or other good cause.</li> <li>• the student must comply with the school's code of conduct.</li> <li>• the parent of each student participating in the program must comply fully with the private school's parental involvement requirements, unless excused by the school for illness or other good cause.</li> <li>• if the parent requests that the student take all statewide assessments, the parent is responsible for transporting the student to the assessment site designated by the school district.</li> <li>• upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school.</li> </ul> <p>A participant who fails to comply with the above criteria forfeits the scholarship.</p>
6. What are the school district's obligations under the McKay Scholarship Program?	<p>The school district must timely notify the parent of a student with disabilities of all options available under this program, including the following:</p> <ul style="list-style-type: none"> <li>• offer the student's parent the option to enroll the student in another public school.</li> <li>• offer the student's parent the option to enroll the student in an eligible private school if the parent does not</li> </ul>

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	<p>choose the public school option.</p> <p>The school district is also required to:</p> <ul style="list-style-type: none"> <li>• notify the Department of Education (DOE) within 10 days after the district receives notice of the parent's intent to apply for a McKay Scholarship.</li> <li>• complete a matrix that assigns the student to one of the levels of service that existed prior to the 2000-2001 school year, if the student with disabilities does not have a matrix of services.</li> <li>• notify the DOE of the student's matrix level within 30 days after receiving notification by the student's parent of intent to participate in the program.</li> <li>• report all students who are attending a private school under this program (students participating in this program must be reported separately from other students reported for purposes of the FEFP).</li> <li>• provide locations and times for all state assessments to parents who request that the student take statewide assessments.</li> </ul>
7. Are all private schools required to participate in the McKay Scholarship Program?	<p>No. Private schools are not required to participate in the program. However, participation is open to all private schools that wish to take part in the program, as long as the schools meet the eligibility criteria set forth by law.</p>
8. What criteria must a private school meet in order to become eligible to participate in the McKay Scholarship Program?	<p>The private school must be located in Florida, may be sectarian or nonsectarian, and must meet the following criteria:</p> <ul style="list-style-type: none"> <li>• demonstrate fiscal soundness by being in operation for 1 school year or provide the DOE with a statement by a certified public accountant confirming that the school is insured and has sufficient capital or credit to operate for the upcoming year. (In lieu of such a statement, the school may secure a surety bond or letter of credit equal to the scholarship funds for any quarter to be filed with the DOE).</li> <li>• notify the DOE and the school district of its intent to participate in the program (the notice must specify the grade levels and services that the private school has available for students with disabilities).</li> <li>• meet state and local health and safety laws and codes</li> <li>• comply with antidiscrimination provisions of 42 U.S.C. s. 2000d, which prohibits discrimination based on race, color, or national origin.</li> <li>• be academically accountable to the parent for meeting the educational needs of the student.</li> </ul>

## McKay Scholarships for Students with Disabilities Program

	<ul style="list-style-type: none"> <li>• employ or contract with teachers that meet any one of the following criteria: 1) hold a baccalaureate or higher degree, 2) have at least 3 years of teaching experience in public or private schools, or 3) have special skills, knowledge, or expertise in subjects taught.</li> <li>• comply with all state statutes relating to private schools.</li> <li>• adhere to the tenets of its published disciplinary procedures prior to the expulsion of any McKay Scholarship student.</li> </ul>
9. Who provides transportation for McKay Scholarship students?	<p>If the parents choose a public school option:</p> <p>Responsibility for transportation varies depending upon the public school option chosen by the parents of the eligible student. Listed below are the following options and transportation requirements:</p> <ul style="list-style-type: none"> <li>• <i>attendance at a public school within the school district that is consistent with the school board's choice plan.</i> If this option is chosen, the school district is responsible for providing transportation to the public school selected by the parent.</li> <li>• <i>attendance at a public school within the school district that is not consistent with the school board's choice plan.</i> If this option is chosen, the parents are responsible for providing transportation.</li> <li>• <i>attendance at a public school in an adjacent district that has space available and a program with services agreed to in the student's individual educational plan (IEP).</i> If this option is chosen, the parents are responsible for providing transportation to the school in the adjacent district.</li> </ul> <p>If the parents choose the private school option, the parents are responsible for the student's transportation.</p>
10. What is the award amount for a McKay Scholarship?	<p>The amount of the scholarship is equal to the amount the student would have received under the Florida Education Finance Program (FEFP) in the public school to which the student is assigned or the amount of the private school's tuition and fees, <i>whichever is less.</i></p> <p>During 2002-2003, \$53 million was awarded to 9,130 scholarship recipients for an average award amount of \$5,840 per student. During the 2003-2004 school year, \$81.7 million were awarded to 13,739 McKay Scholarship recipients for an average award amount of \$5,951 per student.</p>

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<p>11. What options are available to parents when a private school requires a partial payment in order to reserve space for a student admitted to the school?</p>	<p>The DOE, prior to the first quarterly payment of the year in which the McKay Scholarship is awarded, may pay a partial payment to the private school. The maximum partial payment is \$1,000 and must be deducted from subsequent scholarship payments. The partial payment option is limited to one partial payment per student per year.</p> <p>If a student decides not to attend the participating private school, the partial reservation payment must be returned to the DOE by the participating private school.</p>
<p>12. How is a McKay Scholarship payment made?</p>	<p>Upon proper documentation by the DOE, the Comptroller must make the scholarship payments in four equal installments (September 1, November 1, February 1, and April 15). The payment must be made by individual warrant payable to the student's parent and mailed by the DOE to the chosen private school. The parent must restrictively endorse the warrant to the private school.</p> <p>The DOE is responsible for verifying the student's initial admission acceptance and continued enrollment and attendance at the private school.</p>
<p>13. Is the state beginning to regulate the private schools?</p>	<p>No. The inclusion of eligible private schools within the options available to public school students with disabilities does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those necessary to enforce requirements <i>expressly</i> set forth in the law.</p>
<p>14. Has any research been done on this program?</p>	<p>"Vouchers for Special Education Students: An Evaluation of Florida's McKay Scholarship Program" by Jay P. Greene and Greg Forster, Manhattan Institute, 2003.</p> <p>Highlights of this study include:</p> <ul style="list-style-type: none"> <li>• 92% of current McKay participants are satisfied or very satisfied with their McKay schools; only 32.7% were similarly satisfied with their public schools;</li> <li>• those participants also saw class size drop dramatically, from an average of 25.1 students per class in public schools to 12.8 students per class in McKay schools;</li> <li>• participating students were victimized far less by other students because of their disabilities in McKay schools. In public schools, 46.8% were bothered often and 24.7% were physically assaulted, while in McKay schools 5.3%</li> </ul>



## McKay Scholarships for Students with Disabilities Program

	<p>were bothered often and 6.0% were assaulted;</p> <ul style="list-style-type: none"> <li>• McKay schools also outperformed public schools on our measurement of accountability for services provided. Only 30.2% of current participants say they received all services required under federal law from their public school, while 86.0% report their McKay school has provided all the services they promised to provide;</li> <li>• Perhaps the strongest evidence regarding the McKay program's performance is that over 90% of parents who have left the program believe it should continue to be available to those who wish to use it.</li> </ul>
15. What are the applicable statutes and rules?	Section 1002.39, F.S. -- The John M. McKay Scholarship for Students with Disabilities Program
16. Where can I get additional information?	<p>Florida Department of Education Office of Independent Education &amp; Parental Choice (850) 245-0502 or DOE Hotline 1-800-447-1636 <a href="http://www.floridaschoolchoice.org">www.floridaschoolchoice.org</a></p> <p>Manhattan Institute Education Research Office (954) 680-8083 <a href="http://www.manhattan-institute.org/html/cr_aplus.htm">www.manhattan-institute.org/html/cr_aplus.htm</a></p> <p>Florida House of Representatives Education Council (850) 488-7451</p>



## Education Council

# Corporate Tax Credit Scholarship Program

## Fact Sheet

January 2005

<p>1. What is the Corporate Tax Credit Scholarship Program?</p>	<p>The Corporate Tax Credit Scholarship Program (CTC) was established by the 2001 Legislature (Ch. 2001-225, L.O.F.) to provide an income tax credit for corporations that contribute money to nonprofit scholarship-funding organizations (SFOs) that award scholarships to students from families with limited financial resources. The purpose of the tax credit is to:</p> <ul style="list-style-type: none"> <li>• encourage private, voluntary contributions to nonprofit SFOs.</li> <li>• expand educational opportunities for children from families that have limited financial resources.</li> <li>• enable children to achieve a greater level of excellence in their education.</li> </ul>
<p>2. Who is eligible for a scholarship from a nonprofit scholarship-funding organization under this program?</p>	<p>A student is eligible for a scholarship from a nonprofit SFO through this program, if the student qualifies for free or reduced-price school lunches under the National School Lunch Act and:</p> <ul style="list-style-type: none"> <li>• was counted as a full-time student during the previous state fiscal year for purposes of state per-student funding; or</li> <li>• received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year; or</li> <li>• is eligible to enter kindergarten or first grade.</li> </ul> <p>As a condition for scholarship payment, the parent must inform the child's school district within 15 days after the parent chooses for the child to attend an eligible nonpublic school.</p>
<p>3. What is the maximum award amount of a scholarship?</p>	<p>The amount of the scholarship provided to any child for any single school year by all eligible nonprofit SFOs must not exceed the following limits:</p> <ul style="list-style-type: none"> <li>• \$3,500 for a scholarship awarded to a student for enrollment in an eligible nonpublic school.</li> <li>• \$500 for a scholarship awarded to a student for enrollment in a Florida public school that is located outside the district in which the student resides.</li> </ul>
<p>4. What types of expenses are covered by the</p>	<p>Eligible nonprofit SFOs must provide scholarships, from eligible contributions, to qualified students for the following expenses:</p>

## Corporate Tax Credit Scholarship Program

scholarships?	<ul style="list-style-type: none"> <li>• tuition or textbook expenses for, or transportation to, an eligible nonpublic school (at least 75% must be used to pay tuition expenses); or</li> <li>• transportation expenses to a Florida public school that is located outside the district in which the student resides.</li> </ul>
5. What criteria must a nonpublic school meet in order to become eligible to participate in this program?	<p>An eligible nonpublic school must be:</p> <ul style="list-style-type: none"> <li>• located in Florida.</li> <li>• offer an education to students in any grades K-12.</li> <li>• demonstrate fiscal soundness by: (1) being in operation for one school year, (2) providing the Department of Education (DOE) with a statement by a certified public accountant confirming that the school is insured and has sufficient capital or credit to operate for the upcoming year, or (3) securing a surety bond or letter of credit equal to the scholarship funds for any quarter to be filed with the Department of Revenue (DOR).</li> <li>• meet state and local health and safety laws and codes.</li> <li>• comply with federal provisions, which prohibit discrimination based on race, color, or national origin.</li> <li>• comply with all state laws relating to the general regulation of nonpublic schools.</li> </ul>
6. What qualifies as an eligible contribution?	<p>An eligible contribution is a monetary contribution from a taxpayer to an eligible nonprofit SFO. The taxpayer may not designate a specific child as the beneficiary of the contribution and may not contribute more than \$5 million to any single eligible nonprofit SFO.</p>
7. How much of a tax credit may a corporation receive for contributing to a nonprofit scholarship-funding organization?	<p>The taxpayer may receive a dollar for dollar credit for an eligible contribution against any tax due for a taxable year, but the credit may not exceed 75% of the tax due, after the application of all other allowable tax credits.</p> <p>If the credit granted is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward for a period not to exceed 3 years; however, any taxpayer that seeks to carry forward an unused amount of tax credit must submit an application for allocation of tax credits or carryforward credits in the year that the taxpayer intends to use the carryforward. The total amount of tax credits and carryforward of tax credits allowed by statute each state fiscal year is \$88 million. This carryforward applies to all approved contributions made after January 1, 2002. The taxpayer may not convey, assign, or transfer the credit authorized to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same</p>

## Corporate Tax Credit Scholarship Program

	transaction.
8. Is there a statewide cap on the amount of the tax credit that may be granted under this program?	Yes. The total statewide amount of the tax credit and the carry-forward of tax credits that may be granted each state fiscal year under this program is limited to \$88 million by statute. However, the 2004 Legislature limited the program to \$50 million in House Bill 1867 for the 2004-05 fiscal year. At least 5% of the total statewide amount authorized for the tax credit must be reserved for small businesses. According to current law, small businesses are defined as taxpayers who independently own and operate businesses that employ 200 or fewer full-time permanent employees and have a net worth of not more than \$5 million at the time of application.
9. What are the contribution limits to a nonprofit SFO?	The amount of eligible contributions that a nonprofit SFO may accept is limited to the amount needed to provide scholarships for qualified students identified and for which vacancies in eligible nonpublic schools have been identified.
10. What are eligible nonprofit scholarship-funding organizations?	<p>Eligible nonprofit SFOs are charitable organizations that are exempt from the federal income tax as defined in s. 501(c)(3) of the Internal Revenue Code. Eligible nonprofit SFOs are required to meet the following criteria:</p> <ul style="list-style-type: none"> <li>• provide scholarships from eligible contributions to qualified students.</li> <li>• give priority to qualified students who received a scholarship from an eligible SFO during the previous year.</li> <li>• spend 100% of the eligible contribution to provide scholarships in the same state fiscal year in which the contribution was received (the state fiscal year begins on July 1 and ends on June 30 of each year).</li> <li>• not use any portion of eligible contributions for administrative expenses.</li> <li>• use all interest accrued from contributions for scholarships.</li> <li>• provide the Auditor General with an annual financial and compliance audit of their accounts and records conducted by independent certified public accountants.</li> </ul>
11. How is a scholarship payment made?	<p>The payment will be made by check payable to the student's parent. If the parent chooses for his or her child to attend an eligible nonpublic school, the check must be mailed by the eligible SFO to the nonpublic school of the parent's choice, and the parent must restrictively endorse the check to the nonpublic school.</p> <p>The SFO must ensure that the parent endorses the check to the nonpublic school of the parent's choice for deposit into the account of the nonpublic school.</p>

## Corporate Tax Credit Scholarship Program

<p>12. Who is responsible for administering the Corporate Tax Credit Scholarship Program?</p>	<p>The Department of Revenue (DOR) and the Department of Education (DOE) cooperatively administer the Corporate Tax Credit Scholarship Program.</p> <p>The DOE is responsible for adopting rules necessary to determine the eligibility of SFOs and identify students eligible to participate in the program. The DOE is also responsible for submitting annually, by March 15, a list of eligible SFOs to the DOR.</p> <p>The DOE must monitor:</p> <ul style="list-style-type: none"> <li>• the eligibility of nonprofit scholarship-funding organizations.</li> <li>• the eligibility of nonpublic schools.</li> <li>• the eligibility of expenditures.</li> </ul> <p>The DOR is responsible for adopting rules to administer the Corporate Tax Credit Scholarship Program, including:</p> <ul style="list-style-type: none"> <li>• establishing application forms and procedures.</li> <li>• governing the allocation of tax credits and carry forward credits for this program on a first-come, first-served basis.</li> </ul>
<p>13. What are the applicable statutes and rules?</p>	<p>Section 220.187, F.S. -- Credits for contributions to nonprofit scholarship-funding organizations.</p> <p>Section 288.703(1), F.S. -- Definition of small business.</p>
<p>14. Where can I get additional information?</p>	<p>Florida Department of Education Office of Independent Education &amp; Parental Choice (850) 245-0502 or DOE Hotline 1-800-447-1636 <a href="http://www.floridaschoolchoice.org">www.floridaschoolchoice.org</a></p> <p>Manhattan Institute Education Research Office (954) 680-8083 <a href="http://www.manhattan-institute.org/html/cr_aplus.htm">www.manhattan-institute.org/html/cr_aplus.htm</a></p> <p>Florida Department of Revenue (850) 922-4715</p> <p>Florida House of Representatives Education Council (850) 488-7451</p>



## Education Council

# Home Education

## Fact Sheet

January 2005

1. What is home education?	Home education is the sequentially progressive instruction of a student directed by his or her parent in order to satisfy school attendance requirements. A parent may <i>not</i> provide home education to the children of other parents. Current law does <i>not</i> prescribe a curriculum or course of study for home education programs.
2. Who can teach in a home education setting?	Any parent who complies with the reporting, record keeping, and student evaluation requirements specified in statutory law may conduct a home education program. The parent is not required to be a certified teacher.
3. What are the responsibilities of parents who establish a home education program?	<p>A parent who conducts a home education program must:</p> <ul style="list-style-type: none"><li>• Send a written notice of intent to the district school.</li><li>• Maintain a portfolio of records, consisting of a log of educational activities, writings, worksheets, and creative materials used or developed by the student.</li><li>• Make the portfolio available for inspection by the district school superintendent upon a 15-day notice. (The superintendent is not required to inspect <i>all</i> portfolios.)</li><li>• Provide an annual educational evaluation of the student's educational progress.</li><li>• Preserve student's portfolio for two years.</li><li>• Submit a letter of termination upon completion of the home education program or change of residence.</li></ul>
4. How is the educational progress of home education students evaluated?	<p>The parent may select the method of evaluation from:</p> <ul style="list-style-type: none"><li>• A review of the portfolio and discussion with the student by a Florida certified teacher chosen by the parent or guardian;</li><li>• A nationally normed student achievement test administered by a certified teacher;</li><li>• A state student assessment test administered by a certified teacher, at a location and under testing conditions approved by the school district;</li><li>• An evaluation by a psychologist holding a valid, active license; or</li><li>• An evaluation by any other valid measurement tool that is mutually agreed upon by the superintendent and the parent.</li></ul>

<p>5. What oversight does the state or the school district have over home education programs?</p>	<p>A copy of the student's annual education evaluation must be filed in the superintendent's office. If the student does not demonstrate progress commensurate with his or her abilities, based on the annual education evaluation, the superintendent is required to notify the parents that they have one year to provide remedial instruction. At the end of that year, the student will only be allowed to continue in a home education program if re-evaluation shows acceptable educational progress. The district superintendent may inspect a home education student's portfolio at any time, upon 15 days written notice, but is not required to do so.</p>
<p>6. Can home education students attend public school part-time or for selected courses?</p>	<p>Students with identified disabilities who qualify for exceptional student education classes may participate in those classes for exceptional students offered in the public schools. School districts are <i>not</i> required to provide course work or instruction on a part-time basis for gifted or regular home education students who do not have identified disabilities. School districts may opt to implement policies allowing for such attendance, but such policies are not mandated by the state. (Refer to the <b>Exceptional Student Education Fact Sheet.</b>)</p>
<p>7. What are the provisions for students who exhibit a pattern of nonattendance to enroll in a home education program?</p>	<p>When a student who has been found to exhibit a pattern of nonattendance is enrolled in a home education program, the school district home education contact person will provide the parent with a copy of the home education law and the accountability requirements of the truancy law. Also, the parent will be referred to a home education review committee. The parent must submit the student's portfolio to the home education review committee within the first 30 calendar days and every 30 days thereafter until the committee determines that the home education program is in compliance.</p> <p>The review committee is composed by the school district home education contact person and at least two home educators selected by the parent from a list of eligible home education parents maintained by the district.</p>
<p>8. May a home education student participate in public school extracurricular activities?</p>	<p>Yes. An eligible home education student may participate in extracurricular activities at the public school to which the student would be assigned according to district school attendance area policies, at the public school which the student could choose to attend pursuant to district or interdistrict controlled open enrollment provisions, or at a nonpublic school pursuant to a participation agreement.</p>

	<p>Extracurricular means any school-authorized or education-related activity occurring during or outside the regular instructional school day. If a class is required to take part in the extracurricular activity, such as band class during the day in order to take part in the marching band, the home education student must be afforded the opportunity to enroll for the class. The district may report such a student for FTE purposes on a partial basis.</p> <p>Eligibility for participation is based on the following:</p> <ul style="list-style-type: none"> <li>• The student must attend a home education program which meets the requirements of Florida law.</li> <li>• The student must meet the same residency requirements as other students in the school at which he or she participates.</li> <li>• The student must register his or her intent to participate with the school before the beginning date of the season for the activity in which he or she wishes to participate.</li> <li>• During the period of participation, the student must demonstrate educational progress in all subjects by a method of evaluation mutually agreed upon by the student's parent and the principal of the school. A public school student who has not maintained academic eligibility may not participate in extracurricular activities as a home education student until he or she successfully demonstrates educational progress in a home education program for one grading period.</li> </ul> <p>Public schools may not belong to any governing organization that discriminates against an eligible home education student.</p>
9. What acceleration mechanisms are provided for students in a home education program?	<p>Home education students may participate in dual enrollment, career dual enrollment, early admission, and credit by examination. Home education students may enroll directly with the postsecondary institution or use the district's interinstitutional articulation agreement. If the home education student enrolls through the district's interinstitutional articulation agreement, the district may earn FTE and must provide instructional materials.</p>
10. What type of diploma do home education students receive?	<p>School districts, adult high schools, and community colleges may not provide regular high school diplomas to home education students. A home education student may take the General Educational Development (GED) test and be awarded a Florida GED diploma if the student receives a passing score. Thus, some parents choose to utilize a</p>



	curriculum provider (e.g., a correspondence school) that offers a credentialed diploma to the student.																								
11. Are home education students eligible for Bright Futures Scholarships?	Yes. Home education students may be eligible for a Bright Futures Scholarship if they are registered as home education students during the 11th and 12th grades. Documentation of appropriate SAT or ACT test scores as determined by the Department of Education is required (Refer to the Bright Futures Scholarship Program Fact Sheet.)																								
12. How many students in Florida are registered in home education programs?	<p>The following chart shows the increase in the number of students and families involved in home education programs.</p> <table><tr><th>School Year</th><th>Families*</th><th>Students**</th></tr><tr><td>1997-1998</td><td>21,507</td><td>31,440</td></tr><tr><td>1998-1999</td><td>21,881</td><td>33,219</td></tr><tr><td>1999-2000</td><td>26,656</td><td>37,196</td></tr><tr><td>2000-2001</td><td>27,792</td><td>41,128</td></tr><tr><td>2001-2002</td><td>29,417</td><td>44,460</td></tr><tr><td>2002-2003</td><td>30,892</td><td>45,333</td></tr><tr><td>2003-2004</td><td>32,166</td><td>47,151</td></tr></table> <p>* - Number of families statewide which registered their intent to establish home education programs. ** - Number of students statewide who participated in home education programs.</p>	School Year	Families*	Students**	1997-1998	21,507	31,440	1998-1999	21,881	33,219	1999-2000	26,656	37,196	2000-2001	27,792	41,128	2001-2002	29,417	44,460	2002-2003	30,892	45,333	2003-2004	32,166	47,151
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13. What are the applicable statutes?	Section 1002.01(1), F.S. -- Definition of Home Education Program. Section 1002.41, F.S. -- Home Education Programs. Section 1006.15, F.S. -- Extracurricular Activities. Sections 1009.531, 1009.534, 1009.535 and 1009.537, F.S. -- Bright Futures Scholarship Program.																								
14. Where can I get additional information?	Florida Department of Education Independent Education and Parental Choice (850) 245-0502 or DOE Hotline 1-800-447-1636 <a href="http://www.floridaschoolchoice.org">www.floridaschoolchoice.org</a>  General Education Development (GED) information: Toll free phone: 1-800-237-5113  Florida House of Representatives Education Council (850) 488-7451																								



1. What are charter school districts?	<p>In 1999, the Legislature established the Charter School Districts Pilot Program authorizing the State Board of Education to enter into a performance contract with a maximum of six school districts for the purpose of establishing them as charter school districts. Under the pilot program four charter school districts were created. In these districts the school board agreed to comply with certain performance goals contained in a performance contract that was approved by the State Board of Education. In return, the districts were granted statutory and rule exemptions.</p> <p>In 2003, the Legislature eliminated the Charter School District Pilot Program and replaced it with a statewide program allowing the creation of <i>academic performance-based charter school districts</i>. The new program is open to all high performing school districts and has no restrictions on the <u>number of such districts that may be established</u>.</p>
2. How many charter school districts exist in Florida?	<p>Presently, there are four charter school districts in Florida (Volusia County School District, Hillsborough County School District, Orange County School District, and Palm Beach County School District). These charter school districts were created under the 1999 pilot program, and have had their status grandfathered in until no later than 2007 at which time if they wish to continue to hold a charter they must conform to the standards applicable to Academic Performance-Based Charter School Districts. At this time, there are no academic performance-based charter school districts. However, several counties have expressed informal interest in the program.</p>
3. What is an academic performance-based charter school district?	<p>An academic performance-based charter school district is one that is granted statutory and rule exemptions based upon its record as a high performing school district as determined by the grades its public schools achieve. In order to be classified as "high performing" a school district must have at least 50% of its schools achieving grades of "A" or "B" for two consecutive years with no school earning two consecutive "D's" or "F's" during the same period. <b>(Refer to the School Grading System Fact Sheet.)</b></p>
4. How does a charter school district become an	<p>Provided that a school district meets the "high performing" criteria, the State Board of Education may, upon application</p>

## Charter School Districts

academic performance-based charter school district?	by the district, grant a pre-charter agreement giving the district limited flexibility and exemption from statutes and rules. The pre-charter agreement is also to contain direction for developing the full academic performance-based charter school district contract. Once that contract is completed and approved by the State Board of Education, the district becomes a full academic performance-based charter school district with expanded administrative flexibility and freedom as well as greater exemption from state statutes and rules.
5. Is an academic performance-based charter school district required to have new or converted charter schools in the district?	<p>No. Neither a charter school district under the pilot program nor an academic performance-based charter school district is statutorily required to have charter schools residing within it.</p> <p>Furthermore, traditional public schools located in a school district that has been established as a charter school district or an academic performance-based charter school district are not statutorily required to convert to charter schools.</p>
6. How long does charter school district or academic performance-based charter school district status last?	<p>Under the 1999 pilot program a charter school district was chartered for three years. At the end of the three year term, each of these school districts must have its performance evaluated and the State Board of Education may then renew or terminate the school district's charter.</p> <p>Under the academic performance-based charter school district program each qualifying district is granted an indefinitely renewable one-year charter. If at the end of any given year that district still qualifies based upon its school grades the charter is renewed. If at the end of the year the district no longer qualifies on the basis of school grades the district is given one year to come back into compliance. If it fails to do so by the end of the one year extension the charter is to be terminated.</p> <p>Compliance is defined as maintaining at least 50% of its school at the "A" or "B" grade level with no school earning a "D" or "F" grade for 2 consecutive years.</p>
7. Does a charter school district have a governing board?	Yes. The governing board of a charter school district must be the school district's elected board members. The school board (governing board) is responsible for supervising all schools in the school district. Additionally, the school board is authorized to create new charter schools; or convert its existing public schools to charter schools for the purpose of providing them with greater autonomy in return for performance accountability.

## Charter School Districts

<p>8. Are charter school districts exempt from state statutes?</p>	<p>An academic performance-based charter school district shall be exempt from rules and statutes in accordance with its charter, as approved by the State Board of Education. The State Board must determine if the exemption will help the district maintain or improve its high-performing status. However, the State Board of Education may not exempt a charter school district from statutes pertaining to:</p> <ul style="list-style-type: none"> <li>• Provision of services to students with disabilities;</li> <li>• Civil rights;</li> <li>• Student health, safety and welfare;</li> <li>• Election or compensation of school board members;</li> <li>• Student assessment program and school grading system, including chapter 1008;</li> <li>• Financial matters, including chapter 1010;</li> <li>• Planning and budgeting, including chapter 1011, except for sections 1011.64 and 1011.69</li> <li>• Sections 1012.22(1)(c) and 1012.27(2) relating to performance pay policies; and</li> <li>• Educational facilities, including chapter 1013.</li> </ul> <p>Charter school districts must comply with statutes pertaining to public records and meetings; financial disclosure by elected officials; and conflicts of interest by elected officials</p>
<p>9. What are the applicable statutes and rules?</p>	<p>Section 1003.62, F.S. -- Academic performance-based charter school districts.</p>
<p>10. Where can I get additional information?</p>	<p>Florida Department of Education Independent Education and Parental Choice (850) 245-0502 or DOE Hotline (800) 447-1636 <a href="http://www.floridaschoolchoice.org/charter.html">www.floridaschoolchoice.org/charter.html</a></p> <p>Florida House of Representatives Education Council (850) 488-7451</p>





1. What are charter schools?	<p>Charter schools are public schools that operate under a performance contract, or a "charter" which frees them from many regulations created for traditional public schools while holding them accountable for academic and financial results. The charter contract between the charter school governing board and the sponsor details the school's mission, program, goals, students served, methods of assessment and ways to measure success. The length of time for which charters are granted varies but most are granted for three to five years.</p> <p>The legislative guiding principles behind charter schools are to meet high standards of student achievement while increasing parental choice; align responsibility with accountability; and provide parents information on reading levels and learning gains of their children. Charter schools are required to improve student learning; increase learning opportunities with special emphasis on low performing students and reading; and measure learning outcomes. Charter schools may create innovative measurement tools; provide competition to stimulate improvement in traditional schools; expand capacity of the public school system; and mitigate the educational impact created by the development of <u>new residential units</u>.</p>
2. How many charter schools are currently operating in Florida?	<p>Since 1996, which was the first year the Legislature authorized charter schools, the number of charter schools operating in Florida has grown from 5 to approximately 254. The 5 schools in 1996 served 574 students and the 254 schools serve approximately 67,500 students. Growth could accelerate in the future since the 2003 Legislature removed the limit on the number of <u>newly created charter schools in a district</u>.</p>
3. Who is eligible to attend charter schools?	<p>Charter schools are open to all students residing within the district; however, charter schools are allowed to target students within specific age groups or grade levels, students considered at-risk of dropping out or failing, students wishing to enroll in a charter school-in-the-workplace or charter school-in-a-municipality, students residing within a reasonable distance of the school, students who meet reasonable academic, artistic, or other eligibility standards established by the charter school, or students articulating from one charter school to another. Enrollment preference may be given to siblings of current charter school students or <u>children of the charter school</u></p>

	<p>governing board members or employees.</p> <p>Additionally, a charter school may limit the enrollment process in order to target the following student populations:</p> <ul style="list-style-type: none"><li>• Students within specific age groups or grade levels;</li><li>• Students considered at-risk of dropping out of school or academic failure;</li><li>• Students who wish to enroll in a charter school-in-the-workplace or a charter school-in-a-municipality;</li><li>• Students residing within a reasonable distance of the charter school;</li><li>• Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school;</li><li>• Students articulating from one charter school to another.</li></ul>																																							
4. How does the demographic characteristics of students in charter schools compare with students in traditional public schools?	<p>The table below compares the characteristics of students enrolled in charter schools with those of students enrolled in traditional public schools.</p> <p>2002-2003 Demographic Data for Charter School Students Compared to Traditional Public School Students</p> <table><tr><th colspan="3">Ethnic Student Population</th></tr><tr><th>Ethnic</th><th>Charter Schools</th><th>Traditional Schools</th></tr><tr><td>Caucasian</td><td>46%</td><td>50%</td></tr><tr><td>African American</td><td>28%</td><td>24%</td></tr><tr><td>Hispanic</td><td>22%</td><td>21%</td></tr><tr><td>Asian</td><td>1%</td><td>2%</td></tr><tr><td>Multiracial</td><td>2%</td><td>2%</td></tr><tr><th colspan="3">Educational Needs</th></tr><tr><th>Need</th><th></th><th></th></tr><tr><td>Exceptional Student Education (ESE)</td><td>13%</td><td>20%</td></tr><tr><td>Limited English Proficiency</td><td>6%</td><td>8%</td></tr><tr><th colspan="3">Economic Indicator</th></tr><tr><td>Free or Reduced Price Lunch</td><td>37%</td><td>45%</td></tr></table>	Ethnic Student Population			Ethnic	Charter Schools	Traditional Schools	Caucasian	46%	50%	African American	28%	24%	Hispanic	22%	21%	Asian	1%	2%	Multiracial	2%	2%	Educational Needs			Need			Exceptional Student Education (ESE)	13%	20%	Limited English Proficiency	6%	8%	Economic Indicator			Free or Reduced Price Lunch	37%	45%
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5. How are charter schools created, organized, and operated?	<p>Charter schools are created when an individual, a group of parents or teachers, a business, a municipality, or a legal entity submits an application to the school district; the school district approves the application; the applicants form a governing board that negotiates a contract with the district school board; and the applicants and district school board agree upon a charter or contract. The district school board then becomes the sponsor</p>																																							

	<p>of the charter school. A state university may grant a charter to the university lab school and is considered to be the school's sponsor. The negotiated contract outlines expectations of both parties regarding the school's academic and financial performance.</p> <p>A charter school is organized and privately <i>operated</i> by teachers, parents, community leaders, businesses, or legal entities (which may include a for-profit management company). The charter school may serve at-risk students, or offer a specialized curriculum or core academic program, provide early intervention programs, or serve exceptional education students.</p> <p>Charter schools operated by for-profit management companies represent about 22% of charter schools in Florida in 2002-2003. The management companies are responsible for establishing the educational philosophy and design, including curriculum; assessment methods and tools; handling administrative, compliance, and business responsibilities; hiring and supervising personnel; and recruiting students.</p>
6. How does the application process work for a charter school?	<p>A school board receives and reviews all charter school applications and, within 60 days of receipt, must approve or deny the application. All charter applications must:</p> <ul style="list-style-type: none"> <li>• Demonstrate how the school will use the guiding principles.</li> <li>• Provide a detailed curriculum.</li> <li>• Contain goals and objectives for improving student learning.</li> <li>• Describe the separate reading curricula and strategies.</li> <li>• Contain an annual financial plan.</li> </ul> <p>If a school board denies an application, it must provide specific written reasons within 10 calendar days. The charter school applicant then has 30 calendar days to appeal after denial or after the school board has not rendered a decision within 60 days of receiving the application. The appeal is to the State Board of Education and the State Board's decision is a final action subject to judicial review.</p>
7. What is the Charter School Appeal Commission?	<p>The Charter School Appeal Commission assists the State Board of Education for fairly and impartially reviewing the following types of appeals:</p> <ul style="list-style-type: none"> <li>• Denial of charter applications;</li> <li>• Non-renewal or termination of charter contracts;</li> <li>• Disputes over contract negotiations that have not been resolved through mediation.</li> </ul> <p>During 2002-2003, the commission convened two times to hear eight appeals. The State Board of Education adopted the</p>



	<p>commission's recommendations 75% of the time. The majority of the State Board's decisions favored the sponsors or district school boards.</p> <p>The Commission may also hold dispute resolution hearings for the following appeals:</p> <ul style="list-style-type: none"> <li>• Disputes over services contracted in a separate contract from the charter contract;</li> <li>• Disputes over contractual matters not included in the charter.</li> </ul> <p>The 10-member commission is comprised of charter school operators, school district staff, and Department of Education staff.</p>
<p>8. Once an application has been approved what must the charter itself contain?</p>	<p>Current law requires charters to contain the following:</p> <ul style="list-style-type: none"> <li>• School's mission, the students and their ages, and the grades that will be included in the charter school.</li> <li>• Focus of the school's curriculum, the instructional methods that will be used, any distinctive instructional techniques that will be employed, and the identification and acquisition of technology needed to improve educational and administrative performance.</li> <li>• Assurance that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The reading curriculum and the instructional strategies for implementation <i>must</i> be consistent with the Sunshine State Standards and be grounded in scientifically based reading research.</li> <li>• Current incoming baseline standard of individual student achievement, the outcomes that will be achieved, and the method of measurement that will be used.</li> <li>• Methods that will be used to identify the educational strengths and needs of students.</li> <li>• Method for determining if a student satisfies high school graduation requirements.</li> <li>• Method for resolving conflicts between the governing body of the charter school and the sponsor.</li> <li>• Admission and dismissal procedures, as well as the school's student conduct code.</li> <li>• Methods by which the charter school will achieve a racial/ethnic balance reflective of the community it serves or other public schools within the same school district.</li> <li>• Financial and administrative management of the charter school.</li> <li>• Incorporation of asset and liability projections required in</li> </ul>

	<p>the application into the charter to facilitate comparison with information provided in the charter school's annual report.</p> <ul style="list-style-type: none"> <li>• Specific provisions regarding audit, safety, insurance, term, facilities, teacher qualifications, governance, and timetable provisions.</li> </ul>
9. What specific statutory requirements apply to charter school operations?	<p>A charter school is statutorily required to:</p> <ul style="list-style-type: none"> <li>• be nonsectarian in its programs, admission policies, employment practices, and operations;</li> <li>• admit students as specified in Question 8;</li> <li>• be accountable to the school district for its performance;</li> <li>• not charge tuition and fees;</li> <li>• comply with all applicable state and local health, safety, and civil rights requirements;</li> <li>• not discriminate on the basis of race, national origin, sex, handicap, or marital status;</li> <li>• subject itself to an annual financial audit;</li> <li>• maintain all financial records that constitute its accounting system in accordance with current law;</li> <li>• annually adopt and maintain an operating budget;</li> <li>• fully participate in the state's education accountability program.</li> </ul>
10. Are charter schools exempt from state statutes?	<p>Charter schools are generally exempt from the Florida K-20 Education Code (Ch. 1000-1013, F.S.), except those statutes specifically applying to charter schools; pertaining to the provision of services to students with disabilities; pertaining to civil rights; and pertaining to student health, safety, and welfare.</p> <p>Charter schools <b>are not</b> exempt from any statute governing public records; public meetings and records; public inspection; and penalties.</p> <p>The 2004 Legislature provided that:</p> <ul style="list-style-type: none"> <li>• Charter schools are exempt from compliance with the State Requirements for Educational Facilities (SREF) but are required to comply with the Florida Building Code and the Florida Fire Prevention Code.</li> <li>• A local governing authority may not impose local building requirements more stringent than those in the Florida Building Code.</li> </ul> <p>Charter schools are exempt from fees charged for building licenses.</p>
11. What are a conversion charter schools?	<p><i>Conversion charter schools</i> are traditional public schools that have been converted to charter schools. The school must have operated for at least two years as a traditional public school (including a school-within-a-school) in a school district before</p>

	<p>conversion. Application for a conversion may be made by a parent, teacher, principal, district school board or school advisory council, but must be approved by a majority of the teachers and a majority of the parents. A majority of the parents must participate in the vote. Nine conversion charter schools operated in Florida in 2002-2003 representing about 5% of the total number of charter schools in the state.</p> <p>The charter for a conversion charter school must identify the alternative arrangements that will be put in place to serve current students that choose not to attend the school after it is converted.</p> <p>Conversion charter schools are not eligible for charter school capital outlay funding if the conversion charter school operates in facilities provided to them by the school district.</p>
12. What are community partnership charter schools?	<p><i>Community partnership charter schools</i> are sponsored by local school districts in partnership with outside entities. Any portion of a facility used for a charter school is exempt from ad valorem taxes. These schools target specific student populations or neighborhoods or focus on specific areas of interest. This category includes:</p> <ul style="list-style-type: none"> <li>• Charter schools-in-the workplace (See Question 13),</li> <li>• Charter schools-in-a municipality (See Question 14),</li> <li>• Community college charter schools (See Question 15), and</li> </ul> <p>Museum partnership charter schools that focus on specific areas of interest. Examples are Terrace Community in Hillsborough County and Palm Beach Maritime in Palm Beach County.</p>
13. What are charter schools-in-the workplace?	<p><i>Charter schools-in-the-workplace</i> are sponsored by local school districts in partnership with a company or business. Such charter schools usually target the children of the employees of a company or business. The business partner provides the school facility to be used; enrolls students based upon a random lottery that involves all of the children of the employees of the business; and enrolls students according to the racial/ethnic balance reflective of the community or other public schools in the same school district. Examples of charter schools-in-the-workplace are The Villages in Sumter County, the JFK in Palm Beach County, and Ryder in Miami-Dade County.</p>
14. What are charter schools-in-a-municipality?	<p><i>Charter schools-in-a-municipality</i> are sponsored by local school districts in partnership with a municipality. Such schools enroll students based upon a random lottery that involves all of the children of the residents of the municipality and according to the racial/ethnic balance reflective of the community or other public schools in the same school district.</p>

	<p>If a municipality applies to establish a charter school feeder pattern and the district school board has approved each individual charter for each elementary, middle and senior high school in the feeder pattern, the schools are designated as one charter school. (Refer to <b>Charter Schools Funding Fact Sheet, Question 7</b> for explanation of feeder pattern.)</p> <p>When several charter schools are designated as one charter school, the amount of money the school district can withhold for administrative fees is decreased. (Refer to <b>Charter Schools Funding Fact Sheet, Question 2</b> for discussion on amount of administrative fees that may be withheld.)</p> <p>Consequently, the amount of money available for capital outlay for the charter school is increased.</p> <p>Examples of charter schools-in-a-municipality are in Pembroke Pines, Coral Springs, and North Lauderdale, all in Broward County; Marco Island in Collier County; and Kissimmee in Osceola County. The Coral Springs and Kissimmee charter schools are operated by for-profit management companies.</p>
15. What are community college charter schools?	<p><i>Community college charter schools</i> are statutorily authorized when a public community college, in cooperation with the school board or boards within the college's service area, develops a charter school that offers secondary education and allows students to obtain an associate's degree upon graduation from high school.</p> <p>Florida had one community college partnership school operating in 2002-2003. The Okaloosa-Walton Community College (OWCC) Collegiate High School is a public charter school of the Okaloosa School District, is operated by OWCC, and located on the Niceville Campus of OWCC. Students have full access to all college facilities, activities, and services.</p>
16. How do the instructional and administrative personnel of a charter school compare with the personnel of a traditional public school?	<p>Florida Statutes require that teachers employed by or under contract with a charter school be certified in the same manner as all other public school teachers in Florida.</p> <p>On average, charter schools have 21% more instructional staff than traditional public schools and 4% more administrative staff than traditional public schools.</p>
17. What are the applicable statutes and rules?	<p>Section 1002.32 (2) and (9), F.S. -- Charter lab schools.  Section 1002.33, F.S. -- Charter schools.  Section 1013.62, F.S. -- Charter schools capital outlay funding.</p> <p>Chapter 2004-268, L.O.F. -- General Appropriations Act, Specific Appropriation 20</p>

	<p>Rule 6A-6.0781, F.A.C. -- Procedures for appealing a district board decision denying application for charter school</p>
<p>18. Where can I get additional information?</p>	<p>Florida Department of Education (DOE) Independent Education and Parental Choice (850) 245-0502 or DOE Hotline (800) 447-1636 <a href="http://www.floridaschoolchoice.org/charter.html">www.floridaschoolchoice.org/charter.html</a></p> <p>DOE Documents:</p> <ul style="list-style-type: none"> <li>• <i>Implementation of the Class Size Amendment in Charter Schools</i>, Technical Assistance Document, August 2004</li> <li>• <i>HB 55A - An Act Relating to Charter Schools</i>, Technical Assistance Document, June 24, 2003</li> <li>• <i>FDOE, Florida Charter Schools 2002-2003 Annual Accountability Report</i>, August 2004</li> </ul> <p>Office of Program Policy Analysis and Government Accountability (OPPAGA) <a href="http://www.oppaga.state.fl.us">www.oppaga.state.fl.us</a></p> <p>Reports:</p> <ul style="list-style-type: none"> <li>• <i>Progress Report: Charter School Management Strengthened, But Improved Academic Accountability Needed</i>, Report No. 01-22, March 2002.</li> <li>• <i>Program Review: Charter Schools Need Improved Academic Accountability and Financial Management</i>, Report No. 99-48, April 2000.</li> </ul> <p>Charter School Audits by Florida Auditor General <a href="http://www.state.fl.us/audgen/pages/subjects/charterschool.htm">http://www.state.fl.us/audgen/pages/subjects/charterschool.htm</a></p> <p>Websites:</p> <ul style="list-style-type: none"> <li>• Florida Charter School Resource Center <a href="http://www.charterschools.usf.edu">http://www.charterschools.usf.edu</a></li> <li>• Charter Schools Accountability Center <a href="http://csac.fsu.edu">http://csac.fsu.edu</a></li> </ul> <p>Florida House of Representatives Education Council (850) 488-7451</p>



1. How are charter schools held accountable?

First and central to charter school accountability is the charter or contract between the charter school and the sponsor, usually the school district. The sponsor may close a charter school if the school fails to participate in Florida's accountability system, fails to meet the student performance outcomes agreed upon in the charter, fails to meet generally accepted standards of fiscal management, violates the law, or shows other good cause. In 2002-2003, eight charter schools closed; four were closed by the sponsor (school district) and four were closed by the school's governing board. The schools closed by the sponsor were due to financial issues and poor leadership.

The foundation for a charter school's evaluation based on the charter agreement is the school's annual report submitted to the sponsor. The sponsor then submits the report to the Commissioner of Education. At a minimum, the annual report must include:

- Student achievement performance data.
- Data on the financial status of the charter school.
- Documentation of the currently used and planned facilities.
- Descriptive information about the charter school's personnel.

Charter schools are evaluated and assigned a school grade using the same standards and criteria as traditional public schools. (Refer to the *School Grading System Fact Sheet*.)

The Department of Education is statutorily required to annually provide an analysis and comparison of the overall performance of charter school students to traditional public school students. The comparison is to be based on the statewide assessment program and information reported by the charter school to the school district. *Florida Charter Schools 2002-2003 Annual Accountability Report*, was released by the Department of Education in August 2004.

2. What were the findings of the annual accountability

The 2004 Report released by DOE contains the following findings:

- 34% of Florida's charter schools made Adequate Yearly

<p>report?</p>	<p>Progress (AYP), as defined in No Child Left Behind, in 2002-2003. Only 16% of Florida's traditional public schools made AYP during the same year.</p> <ul style="list-style-type: none"> <li>• 71% of all charter schools received a C or better in Florida's A+ Accountability System.</li> <li>• In some instances, students initially entering charter schools may have lower developmental scale scores (DSS) than students remaining in traditional public schools. DSS show year-to-year progress and can be used to calculate whether a student has made a year's growth in a year's time. The "gap," is largest in grade 10 and tends to be larger in math than in reading. In grades 3 and 6 reading, charter students outscore students in traditional schools.</li> <li>• Students in charter schools have larger learning gains than students in traditional schools.</li> </ul>
<p>3. How are the constitutionally mandated class size reduction requirements being implemented in charter schools?</p>	<p>Although traditional public schools are allowed to measure compliance based upon district averages until 2006-2007, charter schools are not included in district averages because they are independently governed and are administratively outside of the school districts. Until 2006-2007, charter schools, in conjunction with their sponsors, are required to:</p> <ul style="list-style-type: none"> <li>• develop individualized class size reduction plans for the use of class size reduction funds, and</li> <li>• to measure progress toward meeting school-level compliance.</li> </ul> <p>All charter schools receive class size reduction funds, which is an operating categorical. Charter schools that are not in compliance with the constitutional maximums (<b>Refer to Class Size Fact Sheet.</b>) may use the funds to help achieve the class size requirements. For those charter schools that achieve, and then maintain, the maximum allowable class sizes prior to the 2010 deadline, the funds may be used for operational expenses, with priority given to increasing teacher salaries.</p> <p>In 2006-2007 and 2007-2008, compliance with the class size reduction requirements for all public schools, including charter schools, will be measured at the school level. In 2008-2009, compliance will be measured at the classroom level. All Florida public schools, including charter schools, must be in full compliance with the constitutional provisions beginning in 2010-2011.</p>
<p>4. What are the applicable statutes and rules?</p>	<p>Section 1002.32 (2) and (9), F.S. -- Charter lab schools. Section 1002.33, F.S. -- Charter schools.</p>

	Chapter 2004-268, L.O.F. -- General Appropriations Act, Specific Appropriation 20
5. Where can I get additional information?	<p>Florida Department of Education (DOE) Independent Education and Parental Choice (850) 245-0502 or DOE Hotline (800) 447-1636 <a href="http://www.floridaschoolchoice.org/charter.html">www.floridaschoolchoice.org/charter.html</a></p> <p>DOE Documents:</p> <ul style="list-style-type: none"> <li>• <i>Implementation of the Class Size Amendment in Charter Schools</i>, Technical Assistance Document, August 2004</li> <li>• <i>HB 55A - An Act Relating to Charter Schools</i>, Technical Assistance Document, June 24, 2003</li> <li>• <i>FDOE, Florida Charter Schools 2002-2003 Annual Accountability Report</i>, August 2004</li> </ul> <p>Office of Program Policy Analysis and Government Accountability (OPPAGA) <a href="http://www.oppaga.state.fl.us">www.oppaga.state.fl.us</a></p> <p>Reports:</p> <ul style="list-style-type: none"> <li>• <i>Progress Report: Charter School Management Strengthened, But Improved Academic Accountability Needed</i>, Report No. 01-22, March 2002.</li> <li>• <i>Program Review: Charter Schools Need Improved Academic Accountability and Financial Management</i>, Report No. 99-48, April 2000.</li> </ul> <p>Charter School Audits by Florida Auditor General <a href="http://www.state.fl.us/audgen/pages/subjects/charterschool.htm">http://www.state.fl.us/audgen/pages/subjects/charterschool.htm</a></p> <p>Websites:</p> <ul style="list-style-type: none"> <li>• Florida Charter School Resource Center <a href="http://www.charterschools.usf.edu">http://www.charterschools.usf.edu</a></li> <li>• Charter Schools Accountability Center <a href="http://csac.fsu.edu">http://csac.fsu.edu</a></li> </ul> <p>Florida House of Representatives Education Council (850) 488-7451</p>







<p>1. How are charter school operations funded?</p>	<p>Charter schools are funded by the state in the same way as all other public schools in the school district. The charter school receives operating funds from the Florida Education Finance Program (FEFP) based on the number of full-time (FTE) students enrolled. Charter school funding includes gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by the total funded weighted full-time equivalent (FTE) students in the school district; multiplied by the weighted FTE students in the charter school. Charter schools are entitled to their proportionate share of categorical program funds, for eligible students and programs.</p> <p>Charter schools may also access federal funds through a competitive grant process.</p> <ul style="list-style-type: none"><li>• During the first two years of operation, charter schools may apply for and receive <i>implementation grants</i>. In 2002-2003, there were 61 <i>first</i> year charter school implementation project awards, totaling about \$8.5 million. The average project award was about \$200,000 per school. Forty-nine charter schools in the <i>second</i> year received a total of approximately \$11 million. Each award was approximately \$233,000.</li><li>• Charter schools that have been in operation for at least three consecutive years and have demonstrated overall success may apply for a dissemination grant. In 2002-2003, eleven grants were awarded totaling \$810,000 with awards ranging from \$40,000 to \$100,000 each.</li></ul>
<p>2. What, if any, services does the district provide for the charter school?</p>	<p>The sponsor, or school district, must provide certain administrative and educational services to charter schools:</p> <ul style="list-style-type: none"><li>• Contract management services</li><li>• FTE and data reporting services</li><li>• Exceptional student education administration services</li><li>• Test administration services, including payment of costs of state-required or district-required student assessments</li><li>• Processing of teacher certificate data services</li><li>• Information services, including equal access to student information systems that are used by public schools in the</li></ul>

	<p>district in which the charter school is located.</p> <p>The school district may charge a charter school, including a conversion charter school, a total administrative fee based on 5% of the available per student FEFP funds. The fee is to cover district costs for the administrative services listed above. For schools with 501 students and above, the calculation is made only on 500. Any charter school with an enrollment over 500 calculates the 5% for those students over 500, but retains the calculated amount to be used for capital outlay purposes only. Conversion charter schools must use these funds for renovation, repair, and maintenance of facilities owned by the sponsor.</p> <p>School districts may not charge additional fees or surcharges for the above services unless the school district <i>contracts</i> with the charter school to provide additional goods and services. Appeals may be made for a dispute resolution hearing before the Charter School Appeal Commission for disputes over contracted services or contractual matters not in the charter. (Refer to <b>Charter Schools Overview Fact Sheet, Question 7.</b>)</p>
<p>3. How do charter schools provide transportation?</p>	<p>Charter schools are entitled to their proportionate share of transportation funds for eligible students. The charter school and the school district are required to cooperate in making arrangements so that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school. Transportation of charter school students must be consistent with the district school board requirements for transportation of all public K-12 students. The charter school may provide transportation through an agreement or contract with the school district, a private provider, or parents.</p> <p>According to a January 2000 survey regarding transportation of charter school students by the Florida Charter School Resource Center at the University of South Florida:</p> <ul style="list-style-type: none"> <li>• 37.03% got to school by their parents</li> <li>• 29.32% got to school by school bus</li> <li>• 26.43% got to school by other means of transportation</li> <li>• 6.67% got to school by a private contractor</li> <li>• 0.55% were in residential programs.</li> </ul> <p>The 2004 Legislature required the Department of Education to conduct a study and submit a report by November 2004 regarding transportation issues as they relate to charter</p>

	<p>schools. The study is to include:</p> <ul style="list-style-type: none"> <li>• full-time equivalent (FTE) and data reporting services with respect to transportation;</li> <li>• impact that transporting charter school students has on a school districts average bus occupancy;</li> <li>• feasibility of calculating average bus occupancy separately for charter schools and school districts; and</li> <li>• additional costs of transporting students who choose not to attend conversion charter schools.</li> </ul>
4. How are charter school facilities funded?	<p>Capital outlay funding is allocated to each eligible charter school by multiplying the charter school's projected student enrollment by one-fifteenth of the cost-per-student station for an elementary, middle, or high school, unless otherwise provided in the General Appropriations Act.</p> <p>Beyond this basic calculation the eligibility criteria and the distribution pattern for those funds is tied to the amount of charter school capital outlay funds appropriated for the 2002-2003 fiscal year, or \$27.7 million. The same amount has been appropriated every year since 2001.</p>
5. What are the eligibility criteria for charter schools to receive capital outlay?	<p>To be eligible to receive charter school capital outlay funding, a charter school must:</p> <ul style="list-style-type: none"> <li>• Have been in operation for 3 or more years, be part of an expanded feeder pattern of a charter school that is currently receiving capital outlay funding (<b>See Question 7 on expanded feeder patterns.</b>), or have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools;</li> <li>• Have financial stability for future operation;</li> <li>• Have satisfactory student achievement;</li> <li>• Have received final approval from sponsor for operation; and</li> <li>• Serve students in facilities not provided by the sponsor.</li> </ul>
6. What is the distribution pattern for the appropriated funds for charter school capital outlay?	<p>If the amount appropriated for charter school capital outlay in a given year is equal to \$27.7 million, capital outlay funds will be distributed to the following three classes of charter schools:</p> <ul style="list-style-type: none"> <li>• Same charter schools that received funding during the 2002-2003 fiscal year.</li> <li>• Charter schools that are part of an expanded feeder pattern of schools that received funding during fiscal year 2002-2003. (<b>See Question 7 on expanded feeder patterns.</b>)</li> <li>• Schools that hold a charter and were serving students at the beginning of the 2003-2004 school year, and which incurred long-term (5 years or more) financial obligations</li> </ul>

	<p><i>prior</i> to January 31, 2003, or began construction of educational facilities <i>prior</i> to December 31, 2002.</p> <p>If the amount appropriated in a given year is less than \$27.7 million, then the available funds are to be prorated among the three classes of charter schools, including charter lab schools.</p> <p>If the amount appropriated in a given year is <b>greater</b> than \$27.7 million, the available capital outlay dollars must be distributed as follows:</p> <ul style="list-style-type: none"> <li>• The first \$27.7 million must be distributed in the same manner as an appropriation that is equal to \$27.7 million, listed above.</li> <li>• All funds over \$27.7 million must be distributed on a priority basis with the first priority going to those charter schools, including charter lab schools, with long term (5 years or more) debt or leases. If there are insufficient funds to give each first priority school an allocation equal to 1/15<sup>th</sup> per student station then the money is to be prorated among them. Once the first priority schools have been served if there is further capital outlay money available then all other charter schools <u>deemed eligible are to receive funding</u>.</li> </ul>
<p>7. For purposes of capital outlay, when is a charter school part of an expanded feeder pattern?</p>	<p>A charter school is part of an expanded feeder pattern if it is paired with a school, located in the same school district, that received capital outlay funding during fiscal year 2002-2003, and if the charters of both schools contain a provision either to send (feed) or receive (be fed) a majority of the transfer-eligible students to and from the school with which it is paired.</p> <p>The key concept is one of <i>specific linkage within the charters</i>. There must exist specific provisions within the charters of <i>both</i> schools that detail student transfer protocols applicable to a majority of eligible transfer students. For example, if a school serving grades 5 through 8 has a provision within its charter to <i>receive</i> a majority of eligible transfer students directly from a school serving students in grades K-4, that has a complimentary provision in its charter to <i>send</i> a majority of its eligible transfer students to it, then those schools form a feeder pattern. This example also works in reverse. However, in either case the grade level connection must be direct. A grade K-4 school and a grade 9-12 school cannot be considered a feeder pattern since there is a <u>missing intermediate step</u>.</p>

<p>8. What are the permissible uses of capital outlay funds by charter schools?</p>	<p>The permissible uses of capital outlay funds by charter schools are:</p> <ul style="list-style-type: none"> <li>• Purchase of real property</li> <li>• Construction of school facilities</li> <li>• Purchase, lease-purchase, or lease of permanent or relocatable school facilities</li> <li>• Purchase of vehicles to transport students to and from the charter school</li> <li>• Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of 5 years or longer</li> </ul>
<p>9. What happens to charter school funds and property when a charter school is closed?</p>	<p>When a charter is not renewed or is terminated any unencumbered public funds from the charter school reverts to the district school board; all district school board property and improvements, furnishings, and equipment purchased with public funds automatically revert to full ownership by the district school board subject to complete satisfaction of any lawful liens or encumbrances.</p>
<p>10. What are the applicable statutes and rules?</p>	<p>Section 1002.32(2) and (9), F.S. -- Charter lab schools.  Section 1002.33, F.S. -- Charter schools.  Section 1013.62, F.S. -- Charter schools capital outlay funding.</p> <p>Chapter 2004-268, L.O.F. -- General Appropriations Act, Specific Appropriation 20  Rule 6A-6.0781, F.A.C. -- Procedures for appealing a district board decision denying application for charter school</p>
<p>11. Where can I get additional information?</p>	<p>Florida Department of Education (DOE)  Independent Education and Parental Choice  (850) 245-0502 or DOE Hotline (800) 447-1636  <a href="http://www.floridaschoolchoice.org/charter.html">www.floridaschoolchoice.org/charter.html</a></p> <p>DOE Documents:</p> <ul style="list-style-type: none"> <li>• <i>Implementation of the Class Size Amendment in Charter Schools</i>, Technical Assistance Document, August 2004</li> <li>• <i>HB 55A - An Act Relating to Charter Schools</i>, Technical Assistance Document, June 24, 2003</li> <li>• <i>FDOE, Florida Charter Schools 2002-2003 Annual Accountability Report</i>, August 2004</li> </ul> <p>Office of Program Policy Analysis and Government Accountability (OPPAGA) -- <a href="http://www.oppaga.state.fl.us">www.oppaga.state.fl.us</a></p> <ul style="list-style-type: none"> <li>• <i>Program Review: Charter Schools Need Improved Academic Accountability and Financial Management</i>, Report No. 99-48, April 2000.</li> </ul>

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## Education Council

# K-8 Virtual School Pilot Program

## Fact Sheet

January 2005

<p>1. What is the K-8 Virtual School pilot program?</p>	<p>The K-8 Virtual School pilot program allows eligible K-8 virtual schools to be created as independent public schools that use on-line and distance learning technology to deliver instruction to full-time students in kindergarten and grades one through eight. The 2003 Legislature authorized the Department of Education (DOE) to provide for the creation of at least two pilot K-8 virtual schools. The two schools selected by the DOE in response to the request for proposal were the Connections Academy, Inc., a division of Sylvan Learning Centers, and K12, Inc., a virtual school started by William Bennett.</p> <p>Both schools in the pilot program depend on parents or other responsible adults as their students' primary teachers, using on-line curriculum, lessons, progress tests, and record-keeping as well as books and other more traditional learning materials. Parents are encouraged to organize field trips and other group activities so their children have contact with other virtual school students. The schools provide computers and help cover the cost of Internet access for their students who complete 10 to 30% of their work on-line depending on the grade level.</p> <p>Both of the schools in the pilot program require a minimum of one parent-teacher telephone conference every two weeks. Teachers are available at other times via e-mail or telephone. The teachers oversee students' progress through checking samples of their work.</p>
<p>2. What criteria are required for a K-8 virtual school to participate in the pilot program?</p>	<p>To be eligible to participate in the pilot program, a K-8 virtual school must:</p> <ul style="list-style-type: none"> <li>• conform all curriculum and course content to the Sunshine State Standards;</li> <li>• administer the Florida Comprehensive Assessment Test (FCAT) or, for those students in grades that are not required to take the FCAT, local assessments and the K-3 state-approved assessment for reading adopted by Just Read, Florida;</li> <li>• employ on-line teachers who are certified in Florida.</li> </ul>
<p>3. What are the eligibility criteria set in the proviso</p>	<p>Proviso language in the 2003 General Appropriations Act limited student eligibility to students who had attended a Florida public school the previous year. However, in 2003-</p>



language for students to enroll in a K-8 virtual school?	<p>2004, kindergarteners and first graders who met the minimum age requirements for attendance at regular public schools were allowed to participate in the K-8 virtual school pilot program. 227 kindergarten and first graders were enrolled in the K-8 virtual schools for the 2003-2004 school year.</p> <p>In 2003, total enrollment was not allowed to exceed 1,000 students and no more than 25% of students enrolled could live in a particular district. Students were served on a first enrolled, first served basis. If students with special needs were served, the Individualized Education Program (IEP) for those students was to designate that on-line learning met their needs.</p> <p>In 2004, enrollment was limited to a total of 800 students comprised of those who were enrolled in either of the two pilot K-8 virtual schools during the 2003-2004 school year and siblings of those students.</p>
4. What are the advantages of enrollment in the pilot K-8 virtual schools?	Enrolled students are equipped with free computers, software, subsidized Internet access, complete curriculum packages, and other relevant course materials so instruction may take place in a site other than an overcrowded classroom. The premise is to meld public education with <u>strong parental involvement</u> .
5. How is the pilot program funded?	<p>In 2003, the pilot K-8 virtual schools were funded with grants of up to \$4,800 per student with total enrollment not to exceed 1,000 students. The total appropriation was \$4,800,000.</p> <p>The 2004 Legislature funded the grants in the same amount per student with total funding not to exceed \$3,840,000; thus, <u>reducing the cap to 800 students</u>.</p>
6. How did the pilot program schools and students perform at the end of the first year of operation?	<p>FCAT results indicated that students tested well at reading, but poorly at math and writing. Writing scores were below the state average.</p> <p>Connections Academy earned a letter grade of C, and Florida Virtual Academy earned a letter grade of B.</p> <p>Surveys indicate very high parent satisfaction. _____</p>
7. What are the applicable statutes and rules?	<p>2003 General Appropriations Act, Specific Appropriation 4D.</p> <p>2004 General Appropriations Act, Specific Appropriation 10B.</p>
8. Where can I get additional information?	<p>Connections Academy 1000 Lancaster Street, 6<sup>th</sup> Floor Baltimore, MD 21202 E-mail: <a href="mailto:info@connectionsacademy.com">info@connectionsacademy.com</a></p>

	<p>K12, Inc. 8000 Westpark Drive Suite 500 McLean, Virginia 22102 1-888-YOURKI12 (968-7512) Web site: <a href="http://www.k12.com">www.k12.com</a> <a href="http://www.flva.org">www.flva.org</a></p> <p>Florida Department of Education Office of Independent Education and Parental Choice (850) 245-0502</p> <p>Florida House of Representatives Education Council (850) 488-7451</p>
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<p>1. What is Florida Virtual School?</p>	<p>The Florida Virtual School (FLVS) is a public on-line school offering virtual education options for students in grades 7 through 12 as well as adults seeking GED alternatives. Courses are free to all Florida students and are available to public, private, and home school students. Priority is given to students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools that do not have access to higher-level courses and students seeking accelerated access in order to obtain a high school diploma at least one semester early.</p> <p>School districts may not limit student access to courses offered through the Florida Virtual School; they are required to provide students with access to enroll in courses available through the Florida Virtual School and award credit for successful completion of such courses. Access must be made available to students during or after the normal school day and through summer school enrollment.</p>
<p>2. How are the courses and delivery system designed?</p>	<p>All FLVS courses are delivered over the Internet. To help assure student success with virtual learning, a variety of web-based, technology-based and traditional resources are provided. These include phone, fax, stand-alone software, print-based material, websites, and real-world experts.</p> <p>FLVS has a full high school curriculum and offered 75 courses for the 2003-2004 school year. The courses are based on the Sunshine State Standards. The curriculum included honors and Advanced Placement courses. FLVS course grades are accepted for credit and are transferable. FLVS is accredited by the Southern Association of Colleges and Schools.</p> <p>Students may take different routes through their courses and show mastery in a variety of ways, depending upon their learning styles and previous knowledge of the subject. When first designed, learners could progress through courses at any pace; however, this feature was modified since the school works in conjunction with districts on a traditional calendar and credit system. In order for districts to give graduation credits and plan for a student, a time-certain finish date was</p>

	<p>needed. Students must now specify whether they will work at a traditional, accelerated, or extended pace.</p>
<p>3. What are the credentials and availability of the teachers?</p>	<p>All FLVS teachers possess a valid Florida teaching certificate and are certified specifically in the subject they teach. At least fifteen of the teachers are certified by the National Board of Professional Teaching Standards (NBPTS).</p> <p>Teachers can keep the content alive and current. They have the option of inputting current events and new graphical representations on an as-needed basis for their students. Teachers are available by e-mail, pager, telephone, and calls from students are returned within 24 hours. Teachers do monthly progress reports and are required to make at least one monthly telephone contact with students and parents. Although the administrative and technical functions of FLVS are primarily housed in Orange County, all of the teachers and many of the support and administrative staff are based throughout the state.</p>
<p>4. How do students and districts participate?</p>	<p>Florida Virtual School is affiliated with all 67 Florida school districts. Adopting policies to encourage students to take courses from FLVS is one of the options that district school boards must consider implementing in order to meet the constitutional class size maximums. At the beginning of each school year, district school boards must notify parents of students in or entering high school of the opportunity and benefits of acceleration mechanisms, including the Florida Virtual School courses.</p> <p>The FLVS board of trustees may enter into franchise agreements with Florida district school boards.</p>
<p>5. How did the Florida Virtual School get started?</p>	<p>The web-based on-line high school was initially a 1997 pilot project. In 2000, the Legislature established a FLVS board of trustees to adopt rules, policies, and procedures; enter into agreements with distance learning providers; and acquire, enjoy, use, and dispose of patents, trademarks, copyrights, licenses, rights and interests.</p> <p>The 2001 Legislature moved the administration of the school to the Commissioner of Education's Office of Technology and Information Services; provided a mission statement for the Florida Virtual School; provided that the school must serve any student in the state who meets the profile for success for educational delivery on-line context; and provided that priority must be given to students needing expanded access to courses such as home education students and students in inner-city and rural high schools who do not have access to higher-level</p>

	<p>courses, and students seeking accelerated access (Ch. 2001-89, L.O.F.)</p> <p>Additionally, the 2003 Legislature authorized franchise agreements, required the board of trustees to submit to the State Board of Education both forecasted and actual enrollments and credit completions for FLVS, including the number of public, private, and home education students served by program and by county of residence, and included the FLVS as a public school choice option for students.</p>																											
6. What is the history of funding and enrollments for the Florida Virtual School?	<p>Florida has historically supported FLVS through funding: \$200,000 in 1996 through a Department of Education Break-the-Mold grant; and specific legislative appropriations since then. The following table shows historical funding amounts and enrollments for FLVS. Enrollment is defined as the number of course seats that students have taken or are currently taking. The enrollment number is consistently larger than the student count because students may sign up for more than one course. If a student enrolls in three courses, the student count is one while the enrollment count is three. The average number of online classes takes is 1.5 enrollments per student.</p> <table><tr><th colspan="3">Florida Virtual School Funding and Enrollments</th></tr><tr><th>Year</th><th>Amount</th><th>Enrollments</th></tr><tr><td>1997-98</td><td>\$1.3 million</td><td>225</td></tr><tr><td>1998-99</td><td>\$4.36 million</td><td>1100</td></tr><tr><td>1999-2000</td><td>\$3.8 million</td><td>280</td></tr><tr><td>2000-01</td><td>\$6.17 million</td><td>5900</td></tr><tr><td>2001-02</td><td>\$6.17 million</td><td>8200</td></tr><tr><td>2002-03</td><td>\$6.9 million</td><td>10,200</td></tr><tr><td>2003-04*</td><td>\$8.4 million</td><td>21,000</td></tr></table> <p>*(See Question 7.)</p>	Florida Virtual School Funding and Enrollments			Year	Amount	Enrollments	1997-98	\$1.3 million	225	1998-99	\$4.36 million	1100	1999-2000	\$3.8 million	280	2000-01	\$6.17 million	5900	2001-02	\$6.17 million	8200	2002-03	\$6.9 million	10,200	2003-04*	\$8.4 million	21,000
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7. How does funding through the FEFP work?	<p>The 2003 Legislature provided for the Florida Virtual School to be funded in the Florida Education Finance Program (FEFP) through a performance-based approach. In the FEFP, funding is based on "credit successfully completed" with six credits equaling one full-time equivalent student (FTE). No funding is</p>																											

	<p>earned if the student does not successfully complete the course. A student who completes less than six credits is a fraction of a full-time equivalent student. Half credit completions are included in determining a full-time equivalent student. Credit completed by a student in excess of the minimum required for that student for high school graduation is not eligible for funding. The 2003-2004 and 2004-2005 funding for the FLVS in the FEFP was as follows:</p> <table border="1"> <tr> <th>Year</th> <th># of Unweighted FTE</th> <th>Amt/FTE</th> <th>Total Funds (includes Categorical Funds)</th> </tr> <tr> <td>2003-2004</td> <td>1,942.43</td> <td>\$4,814.87</td> <td>\$9,352,548</td> </tr> <tr> <td>2004-2005</td> <td>2,692.18</td> <td>\$4,982.10</td> <td>\$13,412,698</td> </tr> </table> <p>The FLVS receives categorical funding for instructional materials, public school technology, class size reduction, and teacher training. The FLVS does not receive funding for the remaining two categoricals, which are Florida Teacher Lead and transportation.</p> <p>In addition to the FEFP funding, the 2004 Legislature provided \$800,000 to FLVS to support activities associated with development and implementation of a grade six through eight curriculum and \$1,373 in District Cost Differential (DCD) Transition Supplement funds.</p>	Year	# of Unweighted FTE	Amt/FTE	Total Funds (includes Categorical Funds)	2003-2004	1,942.43	\$4,814.87	\$9,352,548	2004-2005	2,692.18	\$4,982.10	\$13,412,698
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<p>8. How does the governance structure of the FLVS work?</p>	<p>The FLVS board of trustees has the responsibility for sustaining a self-sufficient delivery system through the FEFP. They must aggressively seek avenues to generate revenue to support FLVS's future endeavors. FLVS may accrue supplemental revenue from supplemental support organizations, including alumni associations, foundations, parent-teacher associations, and booster associations. Additionally, FLVS may receive other funds from grants and donations.</p> <p>School districts operating a virtual school that is certified by the Commissioner of Education as an approved franchise of the FLVS may count full-time equivalent students for funding purposes in the FEFP. The FLVS board of trustees establishes the criteria defining the elements of an approved franchise, the terms and conditions governing franchise agreements, and the performance and accountability measures for a school district franchise. The board of trustees also reports the performance of each school district franchise to the Commissioner of Education.</p>												

	<p>Although the ownership of patents, trademarks, and copyrights remains with the state, the board has the full right of use and the right to retain any revenues derived from their use to support the school's research and development in order to improve courses and services for students.</p>
9. What are the applicable statutes and rules?	<p>Section 1001.42(21), F.S. -- District School Board Duties. Section 1002.37, F.S. -- Florida Virtual School.</p> <p>2004 General Appropriations Act, Specific Appropriation 10B and 87A 2003 General Appropriations Act, Specific Appropriation 65</p> <p>Rule 6A-1.099, F.A.C. -- Cooperative Projects and Activities</p>
10. Where can I get additional information?	<p>The Florida Virtual School 445 West Amelia Street Orlando, FL 32801 (407) 317-3326, Ext. 2742 <a href="http://www.flvs.net">http://www.flvs.net</a></p> <p>Florida Department of Education Office of Independent Education &amp; Parental Choice (850) 245-0502 or DOE Hotline 1-800-447-1636</p> <p>Florida House of Representatives Education Council (850) 488-7451</p>



